

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO PACHECO,

Defendant.

No. CR-11-0154 MMC

Ninth Circuit Case No. 15-10581

**ORDER DENYING DEFENDANT'S
MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS, CONSTRUED AS
MOTION FOR RECONSIDERATION;
DIRECTIONS TO CLERK**

By order filed October 9, 2015, the Court denied defendant Eduardo Pacheco's motion to modify his sentence, and, by order filed November 19, 2015, denied defendant's motion for reconsideration. Thereafter, on December 10, 2015, the Court denied defendant's motion to proceed in forma pauperis on appeal, finding the appeal was "not taken in good faith," see Fed. R. App. Proc. 24(a)(3)(A), as defendant did not seek "review of any issue not frivolous," see Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding "good faith," for purposes of indigent party seeking to proceed in forma pauperis on appeal, means "seek[ing] appellate review of any issue not frivolous").

Now before the Court is defendant's "Motion to Proceed In Forma Pauperis," filed January 28, 2016, which motion the Court construes as a motion to reconsider the Court's order of December 10, 2015. Having read and considered the motion for reconsideration, the Court rules as follows.


1 In his motion for reconsideration, defendant asserts he lacks the financial resources
2 to pay the filing fee required for a notice of appeal. The Court's order of December 10,
3 2015, however, did not find defendant had the financial resources to pay the filing fee.
4 Rather, the Court found that defendant failed to identify any non-frivolous issue he could
5 raise in an appeal. In the instant motion, defendant, again, fails identify any such issue.

6 Accordingly, the instant motion is hereby DENIED.

7 The Clerk is DIRECTED to send a copy of the instant order to the Court of Appeals
8 for the Ninth Circuit.

9 **IT IS SO ORDERED.**

10
11 Dated: February 3, 2016


MAXINE M. CHESNEY
United States District Judge